

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

April 17, 1989

Speaker Cullerton: "The House will come to order. The Chaplain for today will be Pastor Hutton from the First Apostolic Church in Morris. The Pastor Hutton is a guest of Representative Weller. The guests in the gallery may wish to rise for the invocation."

Pastor Hutton: "Dear God in Heaven and Earth who knows the thoughts and the intent of our hearts. You said in Your word that every way of a man is right in his own eyes, but the Lord pondereth the heart. You also said to do justice and judgment is more acceptable to the Lord than sacrifice, help our Representatives to have the proper motives and desires and give them wisdom and understanding to make the right decisions throughout the Eighty Sixth General Assembly. I count it a great honor and privilege to have been asked to offer this prayer but most of all, I count it a privilege to serve You. Now dear God, bless and honor and keep Your hand upon this Assembly. I ask this in the precious name of the Lord Jesus, Amen."

Speaker Cullerton: "We'll be in led in the Pledge of Allegiance by Representative Ropp."

Ropp - et al: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Speaker Cullerton: "Roll Call for Attendance. Representative Piel do you have any excused absences?"

Piel: "Yes, Mr. Speaker will the record show that Representative Marylou Cowlshaw is excused today."

Speaker Cullerton: "116 Members answering the Call, a quorum is present. Ladies and Gentlemen on the Order of the Consent Calendar Third Reading, there has been request by representative Peterson to ask leave of the House to take

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House Bill 56 back to Second Reading for the purposes of an Amendment. Is there Leave? Leave is granted. Mr. Clerk read the Bill."

Clerk O'Brien: "House Bill 56, this Bill has been read a second time previously. Floor Amendment #1 offered by Representative W. Peterson."

Speaker Cullerton: "Representative Peterson, Amendment 1."

Peterson: "Thank you Mr. Speaker. Amendment 1 was requested by home builders to clarify House Bill 56. It basically reads that the failure to notify the school board as required by the Section does not invalidate the plat. Many of the home builders wanted to make sure that they did not get caught in any kind of a dispute between the school district and the municipality. It's an Agreed Amendment and I ask for your support of Amendment 1 to House Bill 56."

Speaker Cullerton: "The Gentleman moves that the House adopt Amendment #1 on that. Any discussion? The Gentleman from Fulton, Representative Homer."

Homer: "Thank you Mr. Speaker, we've looked it over, conferred with the Sponsor, and are in agreement with the Amendment."

Speaker Cullerton: "The Gentleman has moved that the Amendment be adopted, all in favor say 'aye', all opposed 'no'. The 'ayes' have it Amendment #1 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Cullerton: "Third Reading. I'm sorry we would ask leave of the... The Gentleman asks leave of the House to return House Bill 56 to the Consent Calendar. Is there leave? Leave is granted. By the Attendance Roll Call, House Bill 56 is returned to the Consent Calendar Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Consent Calendar Third Reading Second Day". House Bill 56, a Bill for an Act to amend an Act to revise

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the law in relation to plats. Third Reading of the Bill. House Bill 68, a Bill for an Act to amend the Humane Care for Animals Act. Third Reading of the Bill. House Bill 72, a Bill for an Act to amend the Regional Transportation Authority Act. Third Reading of the Bill. House Bill 108, a Bill for an Act to amend the Township Law. Third Reading of the Bill. House Bill 111, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 166, a Bill for an Act to amend an Act in relation to Fire Protection Districts. Third Reading of the Bill. House Bill 213, a Bill for an Act to amend an Act concerning fees and salaries. Third Reading of the Bill. House Bill 307, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 364, a Bill for an Act to amend the Special Services Act. Third Reading of the Bill. House Bill 369, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. House Bill 390, a Bill for an Act to amend the Park District Code. Third Reading of the Bill. House Bill 468, a Bill for an Act to amend the Township Law. Third Reading of the Bill. House Bill 512, a Bill for an Act to amend the Illinois Saving and Loan Act. Third Reading of the Bill. House Bill 627, a Bill for an Act to amend the Public Building Commission Act. Third Reading of the Bill. House Bill 676, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 718, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Cullerton: "The question is Shall these Bills pass? All those in favor vote 'aye,' all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none

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voting 'no', none voting 'present'. This Bill having received the Constitutional Majority... these Bills having received Constitutional Majority are hereby declared passed. On the Consent Calendar Second Reading Mr. Clerk, could you please read the Bills?"

Clerk O'Brien: "Consent Calendar Second Reading Second Day." House Bill 33, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. Amendment #1 was adopted in committee. House Bill 87, a Bill for an Act to amend the Local Mass Transit District Act. Amendment #1 was adopted in Committee. Second Reading of the Bill. House Bill 139, a Bill for an Act to amend an Act in relation to guaranteeing titles to real estates by corporations. Second Reading of the Bill. House Bill 140, a Bill for an Act in relation to the registration of federal tax liens. Second Reading of the Bill. House Bill 147, a Bill for an Act to amend the Abandoned Mine Lands and Water Reclamation Act. Second Reading of the Bill. House Bill 176, a Bill for an Act to amend the Public Community College Act. Second Reading of the Bill. House Bill 264, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. Second Reading of the Bill. House Bill 352, a Bill for an Act in relation to the Constitutional Conventions together with Committee Amendment #1. Second Reading of the Bill. House Bill 444, a Bill for an Act to amend the Illinois Public Aid Code together with Committee Amendment #1. Second Reading of the Bill. House Bill 459, a Bill for an Act to amend the School Code together with Committee Amendment # 1. Second Reading of the Bill. House Bill 470, a Bill for an Act to amend the Illinois Domestic Violence Act. Second Reading of the Bill. House Bill 514, a Bill for an Act to authorize disclosure of certain offenses against children.

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Second Reading of the Bill. House Bill 535, is being held on Second Reading for a fiscal note. House Bill 590, a Bill for an Act to amend the School Code. Second Reading of the Bill. House Bill 640, a Bill for an Act to amend the Downstate County Working Cash Fund Act. Second Reading of the Bill. House Bill 715, a Bill for an Act to amend an Act to provide for the creation and management of forest preserve districts. Second Reading of the Bill. House Bill 764, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. House Bill 807, a Bill for an Act to amend the Illinois Highway Code. Second Reading of the Bill. House Bill 877, a Bill for an Act to amend an Act concerning aquariums and museums and public parks. Second Reading of the Bill."

Speaker Cullerton: "Third Reading."

Speaker Breslin: "Representative Breslin in the Chair. Ladies and Gentlemen, the Chair would like to go now to House Bills Second Reading Short Debate Calendar, that appears on page 4 on your calendar. The first Bill is House Bill 2, Representative Preston. Clerk read the Bill."

Clerk Leone: "House Bill #2, a Bill for an Act to amend the School Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading, excuse me... yes, a fiscal note has been filed so the Bill moves to Third. House Bill 43, Representative Peterson. Clerk read the Bill."

Clerk Leone: "House Bill 43, a Bill for an Act to amend an Act in relationship to parks and golf courses. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed, no further Amendments."

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Speaker Breslin: "Third Reading. House Bill 44, Representative Goforth. Clerk read the Bill."

Clerk Leone: "House Bill 44, a Bill for an Act ..."

Speaker Breslin: "Out of the record. House Bill 115, Representative Myron Olson. Clerk read the Bill."

Clerk Leone: "House Bill 115, a Bill for an Act allowing the creation of museum districts. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 185, Representative Black, Bill Black. Clerk read the Bill."

Clerk Leone: "House Bill 185, a Bill for an Act to amend an Act in relationship to Cemetery Maintenance Districts. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 207, Representative Cowlshaw. Is the Lady in the Chamber? Representative Cowlshaw? Out of the record. House Bill 283, Representative Ryder, Tom Ryder. Out of the record. House Bill 312, Representative Ropp. Clerk read the Bill."

Clerk Leone: "House Bill 312, a Bill for an Act to amend an Act in relationship to counties. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone : "There are none."

Speaker Breslin: "Third Reading. House Bill 314, Representative Hultgren. Out of the record. House Bill 346, Representative Wennlund. Representative Wennlund Clerk read the Bill."

Clerk Leone: "House Bill 347, (sic-346) a Bill for an Act designating the State fossil. Second Reading of the Bill."

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There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Leone: "Third Reading. Going to page 5 under House Bill Second Reading Short Debate Calendar, appears House Bill 418, Representative Homer. Representative Homer. Clerk read the Bill."

Clerk Leone: "House Bill 418, a Bill for an Act to amend the Code of Criminal Procedure. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Homer."

Speaker Breslin: "Representative Homer."

Homer: "Thank you Madam Speaker, the Bill has to do with cases where the State's Attorney has charged someone with an upgraded offense as a result of a prior conviction for the same offense. The Bill specifies and clarifies how that must be alleged. The Amendment indicates that the state must make that Amendment prior to trial and cannot do it once the trial commences. I know of no opposition and would move for support of Amendment 1."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 418, and on that question is there any discussion? Hearing none the question is 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 420, Representative Homer. Clerk read the Bill."

Clerk Leone: "House Bill 420, a Bill for an Act to amend the

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Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment 1 is being offered by Representative Homer."

Speaker Breslin: "Representative Homer."

Homer: "Thank you Madam Speaker, this is more in the line of a technical Amendment. There was a revisory bill, which took care of what this provision in the Bill reported to remedy and is already been remedied, so the Amendment simply acknowledges that. It's a Technical Amendment I move to adopt ."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 420, and on that question is there any discussion? Hearing none the question is Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Going back to House Bill 346, on page 4 on your calendar for correction of the record read that Bill. Mr. Clerk."

Clerk Leone: "House Bill 346, a Bill for an Act designating the State fossil. Second Reading of the Bill."

Speaker Breslin: "Were there any Amendments filed?"

Clerk Leone: "No Amendments."

Speaker Breslin: "Third Reading. Going back to page 5 where we left off appears House Bill 522, Representative Granberg. Is Representative Granberg in the chamber? Out of the record. House Bill 530, Representative Hultgren, Representative Hultgren, out of the record. House Bill 540, Representative Hultgren on 530 read the Bill Mr.

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Clerk."

Clerk Leone: "House Bill 530, a Bill for an Act regarding railroad accidents. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Are there any Motions or Amendments filed?"

Clerk Leone: "No Motions, no further Amendments?"

Speaker Breslin: "Third Reading."

Clerk O'Brien: "House Joint Resolution 34, offered by Representative W. Peterson. House Resolution 307, Richmond. 308, Speaker Madigan, 310, Bob Olson. 311, Williamson and 313, Ryder."

Speaker Breslin: "Are these General Resolutions or Agreed Resolutions, Mr. Clerk?"

Clerk O'Brien: "Agreed."

Speaker Breslin: "Agreed Resolutions. Representative Matijevich on the Agreed Resolutions."

Matijevich: "Yes Madam Speaker, we have examined the Resolutions they are congratulatory. I move the adoption of the Agreed Resolutions."

Speaker Breslin: "The Gentleman has moved the adoption of the Agreed Resolutions. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it And the Agreed Resolutions are adopted. General Resolutions. No General Resolutions. Death Resolutions. Ladies and Gentlemen there has been a Motion filed on House Resolution 301, House Resolution 301, the Motion is to bypass committee. On that question is there any discussion? Hearing no discussion and with use of the Attendance Roll Call, House Resolution 301, has bypassed committee. On House Resolution 301, Representative Zickus."

Zickus: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Pursuant to Rule 43 A, I move to bypass Committee...."

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Speaker Breslin: "Excuse me, Representative Zickus we have already done that and you have permission to bypass committee. Please present the Resolution to us."

Zickus: "Alright, Resolution 301, is asking that the Governor not grant Executive clemency to William Herons who's the longest held prisoner in our Corrections Department. Williams Aarons committed heinous crimes in the mid 1940's, including the murder and dismemberment of six year old Susan Degnan. The Prisoner Review Board is scheduled to give it's recommendation to Governor Thompson this week. Mr. Herons feels that he's paid his debt to society but I strongly disagree with that, and the court's action when they granted three consecutive life sentences to Mr. Herons was clear that he was not to be free again and I would appreciate your support of Resolution 301."

Speaker Breslin: "The Lady has moved for the adoption of House Resolution 301, and on that question is there any discussion? The Gentleman from Fulton Representative Homer on the Resolution."

Homer: "Thank you Madam Speaker, I certainly don't stand in opposition to the Lady's Bill. My problem is I don't know anything about William Herons, and I'm hesitant to vote to deny someones petition without knowing anything about it. It runs contrary to my legal training and, I want to let the Lady know that probably if I were conversant with the facts I may well stand with her. I'm not, I'm hesitant to vote for something without knowing the basis of it and therefore I'm going to stand and vote 'present'."

Speaker Breslin: "Any other discussion? Hearing no discussion, all those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Resolution...okay. There's a request for a Roll Call all those in favor vote 'aye', all those opposed vote 'no'."

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Representative Tate, one minute to explain your vote."

Tate: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted it clear that all the Members understand that this Mr. William Herons murdered three people and dismembered their bodies and is up for clemency and that is the issue before us today."

Speaker Breslin: "Any further discussion? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 97...on this question there are 98 voting 'aye', none voting 'no' and 11 voting 'present' and the Resolution is adopted." Representative Cullerton in the Chair."

Flinn: "Mr. Speaker, are we about to adjourn?"

Speaker Cullerton: "Chair recognizes Representative Flinn."

Flinn: "Mr. Speaker, are we about to adjourn? I have an announcement to make concerning the Financial Institutions Committee."

Speaker Cullerton: "Sir, could you proceed with your announcement, Representative Flinn, at this time, and anyone else that has an announcement after Representative Flinn do so at this time."

Flinn: "I would like to announce for the benefit of the staff and all 32 members of the Financial Institution Committee there will not be a meeting this afternoon. We have cancelled the meeting until next week. No meeting of Financial Institutions."

Speaker Cullerton: "Is there any other Members seeking recognition for the purposes of an announcement? Mr. Clerk please read the Death Resolutions."

Clerk O'Brien: "Senate Joint Resolution #10 and House Resolution 306, offered by Representative Johnson, with respect to the memory of John P. Higgins and House Resolution 309, offered by Representative Johnson, with respect to the

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memory of Dick Johnson."

Speaker Cullerton: "Representative Matijevich and the Death Resolutions."

Matijevich: "I move to adopt the Death Resolutions."

Speaker Cullerton: "Gentleman moves to adopt the Death Resolutions. All in favor say 'aye', all opposed say 'no'. The 'ayes' have it, in the opinion of the Chair. The Death Resolutions are adopted. Ladies and Gentlemen could I have your attention for a moment please. We're about to do a Death Resolution of a former Member and then it's our intention to adjourn after that Resolution. So could I have your attention please. Mr. Clerk, would you please read the Resolution."

Clerk O'Brien: "House Resolution 228, offered by Representative Daley, whereas the House learned with sorrow of the death of John M. Vitek former, Democrat State Representative from the near Southwest side of Chicago. And whereas Mr. Vitek, lifelong resident of the 11th ward of Bridgeport, represented the area in the Illinois General Assembly for 18 years. And whereas he served in the House of Representatives for nine terms from 1961 to 1967 and again from 1975 to 1987 and was active in the committees on Aging, Insurance and Financial Institutions. And whereas Mr. Vitek was committed to helping the elderly and the handicapped and sponsored a great deal of legislation directed towards this end. And whereas a real estate and insurance broker, Mr. Vitek was Director of Real Estate and Compensation for the City of Chicago, served for 15 years as a title expert in Chicago in Cook County. And whereas, born July 8, 1907, in Chicago, John M. Vitek attended Healy Elementary School and Tilden Technical High School. And whereas he leaves to cherish his memory: a son, John, five grandchildren, and four great-grandchildren, and whereas

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always ready to serve his community, John Vitek, was devoted to his family. Therefore be it resolved by the House of Representatives of the Eighty Sixth General Assembly of the State of Illinois, that we express our deep sorrow at the death of our former colleague and friend, John M. Vitek. That we offer our heartfelt sympathy to his son John and his family and that we join his many friends in the Bridgeport community in honoring his memory. And be it further resolved that a suitable copy of this preamble and Resolution be presented to John Vitek, Jr., with our sincere condolences and a further token of our esteem. The House now stands adjourned."

Speaker Cullerton: "Representative Daley on the Resolution."

Daley: "Thank you Mr. Speaker, and Members of the House. On behalf of the people of the 21st district, I extend my sympathy to his son Jack, his daughter-in-law Sheila, his grandchildren and great grandchildren. John Vitek was truly a good friend of mine, and a good and loyal Democrat. I think to the people who he served with here. Everyone knew he was very loyal, loyal to the Democratic Party, loyal to his family and to the Members on the Republican side. He talked time and time to me again of his friendship, that he had with each and everyone of you. He really represented our district extremely well, and I know he had the concerns and interests of every district in this state. Again I extend my sympathy to his entire family. Thank you."

Speaker Cullerton: "Representative Daley, asks leave to add all Members of the House as Co-Sponsors of the Resolution. Leave being granted. All in favor of the Resolution say 'aye', all opposed 'no'. The 'ayes' have it, the Resolution is adopted. The House will stand adjourned until 1:00 p.m. tomorrow."

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